

**NOTTINGHAM CITY COUNCIL**  
**52 BEDALE ROAD, NOTTINGHAM NG5 3GH**  
**COMPULSORY PURCHASE ORDER 2015**  
**STATEMENT OF REASONS**

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## **DESCRIPTION OF THE PROPERTY AND ITS CURRENT CONDITION**

- 1.1 52 Bedale Road is situated on a quiet suburban road on the Sherwood/Daybrook borders approximately 3.7miles north of the city centre. The houses in the area are all of a similar 1920/1930's style of detached and semi-detached family homes. The property stands out from the neighbouring properties due to its neglected state and the part completed breezeblock work to the side of the property. The interior of the property is in need of refurbishment and decoration. The front and rear garden areas are unkempt.
- 1.2 The Property is a semi detached 1930's house on a rectangular plot with an area of approximately 280m<sup>2</sup>. Internally the property comprises a hallway with two reception rooms, a small kitchen, three bedrooms (two double), and a family bathroom and separate toilet. Externally, there is a substantial sized family garden to the rear of the property and a garden area to the front which is currently overgrown\untidy. In addition there is a partially erected single storey extension to the rear and side of the house, the construction being limited to some concreted over site work and twin leaves of concrete blockwork construction up to ground floor wall plate level. Work on this extension appears to have ceased in excess of 10 years ago .
- 1.3 The Property is believed to have been empty since 2001. The Property is in poor condition requiring substantial repairs to the property up to the decent home standard. The property is suffering from damp and requires a thorough refurbishment encompassing all windows, kitchen and bathroom fittings together with the replacement of the central heating system and much of the internal timber. The roof potentially requires stripping and re-felting and the partly constructed extension is not believed to be fit for purpose. In addition there are fractures to the brickwork to a number of walls.

## **2 CASE FOR COMPULSORY PURCHASE**

- 2.1 The Property was purchased by the current owner on the 23rd April 1981. They are the sole proprietor and there is no mortgage on the property. The Council first became aware of the condition of the Property on the 4th January 2001.
- 2.2 Initial conversations were held with the owner in March 2004 on to establish what her proposals were for the reoccupation of the property. At this time it was indicated that there was a planning application in process progress and that it was the owners intention to renovate or sell the property and work would recommence shortly. A reinspection on the 22nd November 2004 showed that no progress had been made with regard to renovation and a further letter was sent to the owner to clarify her intentions with regard to the property.

- 2.3 On the 13th December 2004 the owner contacted the Empty Homes Officer by phone and indicated that she and her husband were getting a divorce and he had moved to London. She deferred progress with the house to him.
- 2.4 During 2005/ 2007 a number of re-inspections took place from which it was clear that no progress was being made either to progress the renovations or apparently sell the property. Five (5) letters were sent to the owner following these re-inspections asking her to advise the Council of her intentions with regards to the property and making it clear that if necessary the council would consider using its powers of Compulsory Purchase to bring the property back into use. In addition the owner was given contact details for an individual who had contacted the Council and made enquiries regarding the purchase of the property. Various discussions took place with both the owner and her husband with the owner essentially seeking to place the responsibility for dealing with the property on to her husband and him indicating an intention to complete the renovations and let the property but being unable to give any timescales within which this would be done. A number of the letters however remained unanswered.
- 2.5 On the 6th August 2008 the Council received a complaint from a neighbour indicating that the front garden was being used as a meeting place for drug users.
- 2.6 A call was received in the office from a neighbour on the 27th November 2008 stating that he had apprehended two youths attempting to climb into the rear of number 52 Bedale Road.
- 2.7 Further complaints regarding the state of the property were received by the local ward Councillor and on the 17th June 2010 a notice of entry under section 15 of the Local Government (Miscellaneous Provisions) Act 1976 was served on the owner advising that the Council would be entering the property to carry out a valuation report on the 8th July 2010. The letter accompanying this notice once again indicated that the Council was considering whether to use its powers of compulsory purchase. No response was ever received to this letter and an inspection and valuation was subsequently carried out on 8th July 2010
- 2.8 Further correspondence was sent to the owner on 9 February 2012 once again indicating the Council's intention to proceed to compulsory purchase and inviting proposals to bring the property back into re-use, to which no reply was received. On the 24th October 2012 the Council received a call from a neighbour stating that the leylandi trees were too high and blocking light, and offered to pay for the trees to be cut down. The owner was contacted but indicated that under no circumstances were the trees to be cut.
- 2.9 On the 16th November 2012 a notice was served on the owner under section 215 of the Town and Country Planning Act 1990 requiring her to carry out

various specified works to the property. On the 18th December 2012 the owner's husband contacted the Council stating that they wished to contest the notice and that they had someone interested in purchasing the property. He was advised that he was out of time to appeal and that works in default could take place if the works were not completed in the specified timescale. However, following a further conversation on 20th December 2012 a decision was made to suspend enforcement of the notice provided that confirmation of intended sale was received, the front garden being tidied and a site visit being arranged to discuss completion of works and timescales, all of these matters having been agreed with the owner's husband. This meeting eventually took place on the 19th February 2013 with the owners husband and the prospective purchaser. The owner's husband agreed to complete specific works e.g. paint window frames and doors, block off access to the rear garden and refit net curtains to the front windows.

- 2.10 On the 19th February 2013 the prospective purchaser was contacted regarding how committed he was to the purchase of 52 Bedale Road. A response was received on the 20th February 2013 stating that he was in early negotiations but that the owner's personal and family related matters delayed the progress of the project. He was awaiting the owner's commitment to his offer to start the sale process and felt that the sale could be completed in four (4) weeks.
- 2.11 On the 1st March 2013 a copy of all correspondence in this matter was put together and posted to the owner indicating that the Council intended to proceed with the Compulsory purchase order as there was no response from the owner.
- 2.12 On the 21st March 2013 the owner's husband contacted our office and confirmed that he had all the materials in the property and just needed time to complete the works. He also requested that PC 512 Nick Hubbard be contacted to substantiate the anti-social behaviour activities that has been occurring at the property and setting the work back.
- 2.13 PC 512 Hubbard was contacted on the 8th April 2013; he confirmed that anti-social behaviour activity had been occurring at the property over a period of nine (9) years.
- 2.14 On the 8<sup>th</sup> April 2013 the owner's husband indicated that he had put on hold the renovation of the property due to the potential sale of the property, and should it not proceed he would buy the owner out of the property and complete the works himself.
- 2.15 The property was visited on the 2nd January 2015 and is still empty with no renovation works taking place. An up to date land registry search has confirmed that the original owner is still the registered proprietor of the property.

- 2.16 On 21<sup>st</sup> January 2015 contact was made with the last potential purchaser who confirmed that he is still willing to purchase the property but the owners husband wants more than what he believes the property is worth in its current condition.
- 2.17 On the 21<sup>st</sup> January 2015 contact was made with the owner's husband who stated that none of the potential buyers were prepared to give him what he wanted for the property. He stated that the property was an investment for his children, house prices were on the rise and would not sell for less than he thinks the property is worth.

### **3 POWERS USED BY THE COUNCIL TO EFFECT COMPULSORY PURCHASE**

- 3.1 The Council is seeking to use Section 17 of the Housing Act 1985 in conjunction with the Acquisition of Land Act 1981 to authorise the Council to purchase the Property for future use as housing accommodation. However in order to use this power the acquisition must achieve a quantitative or qualitative housing gain.
- 3.2 The Council seeks to acquire the Property in order to bring it back into use as residential accommodation. The preference would be to retain the Property as family accommodation.
- 3.3 The need for housing accommodation is dealt with in section 4 below. The compulsory acquisition will result in a quantitative housing gain in that an additional property will be available for use as residential accommodation. As the Property is in a poor state of repair its compulsory acquisition will also lead to its improvement and as a result a qualitative housing gain.
- 3.4 No problems or impediments are envisaged in acquiring or disposing of the property in the event of the Compulsory Purchase Order being confirmed. The Council has the finances available to make the acquisition and, if necessary, to renovate the Property, however, an approach has been received from a person interested in purchasing the Property. The Council does not envisage any major problems in disposing of the Property in its current state subject to appropriately time scaled covenants relating to its renovation and use as residential accommodation.

### **4 STRATEGIC LINKS AND NEED FOR PROVISION OF HOUSING ACCOMMODATION IN NOTTINGHAM**

- 4.1 The presence of long term empty properties in the City causes problems for residents not only because the value of their own properties is affected but also because their amenities are affected. This arises by virtue of the unpleasant appearance of such properties and problems often associated with vandalism, other forms of anti-social behaviour, fly tipping and pests.

There is also general concern at the existence of empty residential accommodation which could provide much needed accommodation.

4.2 The Council aims to reduce the number of long-term empty private homes in the City. This aim is documented in the Housing Nottingham Plan 2013 -15 which is the principle policy document underpinning Nottingham City Council's housing strategy and in turn links to the Nottingham Plan to 2020. By tackling empty housing the Council aims to increase the supply of accommodation that is available both to let and buy. The existing housing stock is assessed to see how it can be used more effectively to increase supply thereby reducing the need to build new homes. By bringing long term empty homes back into use, they will be a benefit to our communities as they are often the source of nuisance and antisocial behaviour.

4.3 The Housing Nottingham Plan identifies:-

- An aim to bring empty homes back into occupation<sup>1</sup>
- A lack of family and larger family housing<sup>2</sup>
- A moderately high and significant level of long-term empty homes in the City which it seeks to address (if necessary via compulsory purchase)<sup>3</sup>

4.4 The 2011 census showed a total of 131,194 dwellings in the City. Council Tax data for 2014 indicates that there are 3,197 vacant dwellings in the City<sup>4</sup>. There is no indication that the situation has changed to any marked extent since the plan was written.

4.5 The local housing market in the Nottingham City area is appreciating with 7%+ increase in house values over the past year<sup>5</sup>. There are 136 properties located along Bedale Road, none of which are social or registered provider housing. Four properties have been sold on this street in 2014 with an average price of £172,750<sup>6</sup>. Only one property is publicly recorded as having been let in the private rented sector in the past 12 months. This combination of sale prices, tenure and turnover suggests that this is a stable and desirable residential area; one where a long term vacant property would stand out.

<sup>1</sup> Pages 6, 9, 10, 18, 21, 31, 32, and 59

<sup>2</sup> P29

<sup>3</sup> P33 and 40

<sup>4</sup> data direct from Council Tax team 2014

<sup>5</sup> Land Registry Jan 2015

<sup>6</sup> Zoopla Jan 2015

- 4.6 There remains strong, and indeed unmet, demand for housing in Nottingham for social housing. The Council waiting list stands at 3,710 households (January 2015), and to achieve the aspiration of home ownership, although the polarity between income and house process has affected affordability. Bringing empty homes back into use directly increases supply, which is the first step in improving affordability and reducing the demand for subsidised/social housing.
- 4.8 There remains strong, and indeed unmet, demand for housing in Nottingham for social housing. The Council waiting list stands at 4500 households, and to achieve the aspiration of home ownership, although the polarity between income and house process has affected affordability. Bringing empty homes back into use directly increases supply, which is the first step in improving affordability and reducing the demand for subsidised/social housing.
- 4.9 To expedite the policy in the Housing Nottingham Plan, the City Council has a range of powers to address some of the problems associated with empty or derelict properties; for example, the service of abatement notices under the Environmental Protection Act 1990 or improvement notices under the Housing Act 2004 and the potential use of works in default. However, the City Council recognises that enforcement powers do not always achieve the long term solution which, for empty properties, is returning them to good quality residential accommodation. As a last resort Nottingham City Council recognises the need for the use of compulsory purchase powers to facilitate the return of empty properties to the housing stock. The use of such powers is usually with a view to a third party, normally a private purchaser, carrying out the renovation and returning the property to housing stock within a specified period of time.

## **5 JUSTIFICATION FOR COMPULSORY PURCHASE**

- 5.1 Compulsory purchase of the Property is justified to achieve the purpose described in section 3 above. The Council has had regard to Article 8 of the European Convention on Human Rights, and Article 1 of the First Protocol.

Given the history of the Council's attempts to bring the property back into use as residential accommodation detailed in section 2 above, the Council is satisfied that compulsory purchase is the last resort available to it in order to bring the property back into residential use.

- 5.2 Article 8 of the European Convention on Human Rights provides a qualified right to respect for the home. As the Property has been unoccupied for many years and is not the owners home the Council does not accept that Article 8 is engaged. However, even if it were interference would be justified under Article

8(2) for the prevention of disorder or crime, for the protection of health or morals, and/or for the protection of the rights and freedom of others.

- 5.3 Article 1 of the First Protocol provides a qualified right to the peaceful enjoyment of possessions and that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. The Council accepts that this right is engaged however believes that compulsory purchase is necessary in accordance with the general interest to bring the Property back into use.
- 5.4 In the light of the above matters the Council is of the opinion that there is a compelling case in the public interest for the compulsory purchase of the Property.

#### **APPENDIX – SITE PLAN**